

Application Details	
Application Reference Number:	42/22/0076
Application Type:	Approval of Reserved Matters
Description	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, layout and scale for the erection of a bat house and associated works at Orchard Grove Urban Extension at Comeytrowe
Site Address:	Orchard Grove, Land at Comeytrowe/Trull, Taunton
Parish:	Trull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	Boyer Planning
Applicant:	TAYLOR WIMPEY VISTRY
Reason for reporting application to Members:	Each stage of the Comeytrowe Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

1. Recommendation

That planning permission be **GRANTED** subject to conditions

2. Executive Summary of key reasons for recommendation

- 2.1 This application seeks the approval of reserved matters for the erection of bat mitigation in the form of a bespoke replacement roost building to facilitate the demolition of the former Industrial Estate which contains several roosts.
- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application as one for approval of reserved matters, the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

3. Planning Obligations, conditions and informatives

3.1 Obligations

No agreement is needed in connection with this application because the outline is accompanied by a site-wide section 106 agreement.

3.2 Conditions (see Appendix 1 for full wording)

- 1) Drawing Schedule
- 2) Floor Levels

3.3 Informatives (see Appendix 1 for full wording)

- 1) Reminder of Outline Planning Conditions
- 2) Statement of positive working
- 3) Completion review request

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 The outline consent includes reverting the land on which the former Industrial Estate operated off Comeytrove Lane to housing. Within the now disused buildings to be demolished several bat roosts have been discovered. There are seven confirmed bat roosts within the site; two common pipistrelle day roosts, one soprano pipistrelle day roost and four lesser horseshoe day roosts.
- 4.2 To achieve a Natural England licence to demolish the buildings an alternative bat roost has to be provided prior to demolition. A proposal has come forward to erect a bespoke bat house that would create the environment for bats to colonise.
- 4.3 The selected site lies north of the existing roost building and would sit adjacent to a mature existing hedgerow which would be used for foraging by the same bats.
- 4.4 The bat house has been designed to provide suitable roosting habitat for a lesser horseshoe bat, common and soprano pipistrelle bat and includes following specifications:
 - Constructed of either brick, stone or breeze block with rough sawn wavy edged timber cladding;
 - Dimensions of 4m high (plus 1m deep basement) x 5m wide x 5m deep; plus lean-to (2.7m wide by 5m deep and 2m high), plus access steps to pedestrian door.
 - A single fly-through letterbox style access point of 600mm wide x 200mm high, with a baffle behind (a plywood board at least 200mm from the entrance but in front of it, so that the bat can fly in and then down and

under it, but so it is preventing too much light and draughts from coming in);

- The access point should be facing towards the boundary/off-site vegetation;
- The structure has an open-sided lean-to on the side of it to allow for a sheltered 'light sampling'/warming up and night feeding area for lesser horseshoe bat;
- The roof of the structure should pitched and tiled, and lined with traditional bitumen type 1F roofing felt (with hessian matrix) only;
- A suitable hibernation location will be provided (i.e. a small basement or breeze block cooling tower) within an area of the bat house that provides a suitable, stable temperature and humidity for lesser horseshoe bats;
- In order to provide suitable compensatory roosting spaces for the common and soprano pipistrelle bats, the structure should include at least two of either Schwegler 1FF bat boxes (or similar) fixed to the interior wall of the void, Schwegler 1FR bat tubes (or similar) incorporated into the wall of the structure, or lifted bat access tiles incorporated into the roof of the structure;
- There should be a secure means of human access (to be kept locked once built, other than occasional access for the Named Ecologist or Accredited Agent) for monitoring purposes; and
- A thorny hedge will be planted around it (making sure the access point remains unobstructed at all times), in order to minimise the potential for vandalism.

4.5 In addition, there are numerous other tree-mounted bat boxes to be installed across the wider site as enhancement, as detailed in the Strategic Landscape and Ecology Management Plan (LEMP) (ref. edp782_r042).

4.6 Specific provision of alternative bird nesting habitat is not proposed in relation to the building demolition, however, the substantial new tree and woodland planting and tree-mounted bird boxes as detailed in the Strategic LEMP will deliver a range of alternative nesting opportunities.

Site and surroundings

4.7 Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

- 4.8 The site is generally characteristic by an undulating landscape. The area of the site south of Jeffreys Way slopes from the north to the south east to the un-named tributary of the Galmington Stream. That slope has now been cut into terraces in line with application 42/19/0053 to achieve road lines, development platforms and drainage basins. There are some retained hedgerows and trees.
- 4.9 The site is not near any Conservation Area and the nearest listed building is located approx. 100m to the southeast, Comeytrowe Manor beyond the former Industrial Estate.
- 4.10 The site is under construction, occupations commenced in April 2022 with currently circa 75 properties occupied at present.

5. Relevant Planning History

Reference	Description	Decision	Date
42/14/0069	Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility	Approved	8 August 2019
42/15/0042	Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull	Approved	9 August 2019
42/19/0053	Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull	Approved	18 March 2020
42/20/0005/DM	Prior notification of proposed demolition of chicken coops on land south west of Taunton	No objection	21 February 2020

		subject to conditions	
42/20/0006	Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull	Approved	22 July 2020
42/20/0024	Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrove/Trull	Withdrawn on procedural grounds – not a Reserved Matters	10 August 2021
42/20/0031	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull	Approved	8 April 2021
42/20/0042	Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull	Approved	08 April 2021
42/20/0043	Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull	Approved	19 October 2020
42/20/0056	Approval of reserved matters in respect of the appearance,	Approved	8 April 2021

	landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c(i) on land at Comeytrove/Trull		
42/21/0004	Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1d on land at Comeytrove/Trull	Approved	3 February 2022
42/21/0020	Non-material amendment to application 42/20/0006 to allow for adjustments to highway alignments (Phase 1a and Parcel H1b) on land at Comeytrove/Trull	Approved	10 January 2022
42/21/0032	Erection and installation of an electricity sub-station on land falling within Phase H1C/H1F at Comeytrove/Trull	Approved	31 August 2021
42/21/0035	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 55 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1c(ii) on land at Comeytrove/Trull (resubmission of 42/20/0056)	Approved	20 September 2022

42/21/0046	Application for approval of reserved matters following outline application 42/14/0069 for a local equipped play area (LEAP), landscaping, drainage and associated engineering operations, referred to as Garden Park, on land at Comeytrove/Trull	Approved	4 April 2022
42/21/0058	Re pointing of former kitchen garden wall (Building A) with removal of loose stones, removal of attached modern industrial shed along stable blocks northern wall and making good of gable end (Building B), and removal of stub wall (Building G) at the stable block associated with Comeytrove Manor, Manor Industrial Estate, Taunton	Pending	
42/21/0077	Application for a non-material amendment to application 42/14/0069 for realignment of the approved A38 roundabout on land south of the A38, Comeytrove	Approved	17 December 2021
42/21/0068	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrove Manor West, Lipe Hill Lane, Comeytrove	Pending	
42/21/0069	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrove Manor West, Lipe Hill Lane, Comeytrove	Pending	
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrove Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and	Approved	SWT Comments sent to SCC 26 May 2022, application approved by SCC

	infrastructure on land at Comeytrove, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>		December 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton	Approved	03 February 2023
42/22/0054	Erection of a care home (Use Class C2) comprising of 68 No. bedrooms with associated staff facilities, access, landscaping, parking and associated works on land at Comeytrove, Taunton	Approved	31 January 2023
42/22/0055	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, landscaping, layout and scale of the strategic infrastructure associated with the delivery of the employment zone including employment estate roads, green infrastructure, ecology mitigation, drainage, earth re-modelling works and hard landscaping associated with the local square at Orchard Grove Community Employment Zone, land adjacent A38, Taunton	Pending	
42/22/0056	Application for Approval of Reserved Matters following Outline Application 42/14/0069 for the appearance, landscaping, layout and scale for the strategic infrastructure works, including associated green infrastructure and drainage, associated with the delivery of infrastructure roads WR02 and WR03 at Orchard Grove Community, Comeytrove	Pending	
42/22/0062	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 20 No.	Approved	10 March 2023

	<p>dwelling, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(i) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land west of Comeytrove Lane, Taunton</p>		
42/22/0063	<p>Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 51 No. dwelling, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(ii) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land west of Comeytrove Lane, Taunton</p>	Pending	
42/22/0064	<p>Variation of Condition No's. 02, approved plans, (for alterations to common infrastructure, including drainage attenuation basins, retaining structures and earthworks, site remodelling, engineering works and landscape planting) and 04, landscaping details, of application 42/19/0053 on land at Comeytrove, Taunton</p>	Pending	
42/22/0075/CB	<p>Application to determine if prior approval is required for the proposed demolition (Class B) of former industrial buildings at Comeytrove Manor Industrial Estate, Lipe Hill Lane, Comeytrove</p>	Prior Approval Required	18 January 2023

6. Environmental Impact Assessment

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 Then the Council must consider if the application is:
- (i) a subsequent application in relation to Schedule 1 or Schedule 2 development
 - (ii) has not been subject to a screening opinion and
 - (iii) is not accompanied by an ES (under Reg 9 of the EIA regulations).
- 6.3 In this case the Garden Community development fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

7. Habitats Regulations Assessment

- 7.1 Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').
- 7.2 In a letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "...*unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.
- 7.3 The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*" NB: (Lemna refers to aquatic plants such as duckweed).
- 7.4 This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia (absence of oxygen)*" which in turn allows those species better able to cope with such conditions to

dominate. The result is a decline in habitat quality and structure. NE state that *“The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive phosphate (P) and the resultant ecological response, or at risk from this process”*.

- 7.5 NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works (‘WWTWs’)) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than ‘Good’ by reference to the Environment Agency’s Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a *“Poor Ecological Status”*.
- 7.6 At the time of the letter the issue in terms of the Ramsar Site was that the conservation status of the designated site was ‘unfavourable’ but in a recent SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 (uploaded to this applications’ online case file) the overall condition across all Somerset level and Moors SSSI’s is ‘Unfavourable Declining’ due to evidence of failing water quality, most notably high Phosphate levels.
- 7.7 NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.
- 7.8 The Council considers this application, which is merely for infrastructure in the form of bat mitigation and therefore does not produce waste water, does not require an HRA. An HRA is only required in connection with reserved matters applications for residential development so long as the issue with the Ramsar persists.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website.

Date of Consultation: 05 January 2023

Date of revised consultation: Details of amendment sent for information 16 March 2023

8.1 Statutory Consultees

- 8.1.1 It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.

Statutory consultee	Comments	Officer comments
Trull Parish Council	On the original plans - Trull Parish Council wishes to support the concept of the bat hotel, but would like it noted that there is a lack of detail regarding the associated works and would be interested to know who will be maintaining the structure.	The PC do not set out what associated works they refer to. The bat house will be managed and maintained by whatever mechanism gets agreed for the wider Public Open Space area.
Comeytrove Parish Council (Neighbouring Parish)	On the original plans - Object until a full safety report has been carried out on the site, but the Parish Council supports the principle of the bat house to protect the habitat.	The PC do not set out what the safety report is required in connection with.
Bishops Hull Parish Council (Neighbouring Parish)	On the original plans - Support in principle, but the contamination on site needs to be resolved before this is installed	Contaminated land is discussed at Para 12.5.
Highway Authority - SCC	On the original plans - No observations to make on this planning application.	No further action.

8.2 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
SCC Ecologist	On the original plans - <i>“The provision of a self-contained bat house outlined within edp (Report Reference edp0782_r083b) dated 12 December 2022 section 3.15 – 3.17 alongside Stantec plan HT-VI-BAT-33, here agreed upon to provide adequate compensation for the loss of existing roosting locations identified. The provided location is optimally suited within a Green Infrastructure route within the wider site. The bat house has been designed to provide suitable roosting habitat for a lesser horseshoe bat, common and soprano pipistrelle bat species and will adhere to the design specification”.</i>	The outline consent contains 4 conditions (18-21) that provide a framework to further assess ecological impacts and provide mitigation and enhancement. The approval of these conditions is a separate matter and will not affect the layout and so this application can be approved.

	<p>Photographs requested of the constructed bat house, by condition.</p> <p>On revised position: <i>“The change in position should be good, if not better given that it would be more discreet within woodland area. The design height won’t affect how bats utilise the house so again this is fine”.</i></p>	<p>The requested conditions requests photographs of the completed structure; it is felt this is better imposed as an Informative Note.</p>
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8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties on 05 January 2023 and a site notice was displayed on 24 January 2023.

8.3.2 1 letter was received. A summary of comments is provided in the table below.

Comment
<p>On the original plans - Comments jointly submitted with those on application 42/22/0075/CB (demolition consent now determined – prior approval required) Provides commentary on the contaminated land site investigation report and and opinion regarding EIA.</p> <p>Conclusion: <i>“The Estate seems to have been in existence for about 60 years; there are few reliable records of its various industrial uses, and many indications that it was poorly-regulated and monitored. There are no records of the design, construction, or condition of the culvert now taking the outlet from the Mill-pond under the Estate, via an open ditch into the Galmington Stream. The existing drainage of surface-water from the Estate is also unspecified, and material. The presence of hazardous and contaminated materials was established and documented long before Outline permission was granted. It is to be regretted that a 30th Condition, requiring an approved remediation and restoration scheme, was not imposed by TDBC, alongside the other 29. All the subsequent site-investigation reports have confirmed the presence of many hazardous materials, and indicate that leachates from the Estate may have been polluting the Galmington Stream for decades. Had there been a remediation Condition from Outline, the obvious need for a systematic, long- run programme of sampling the Stream, and its un-named tributary, above and below the Estate, might, by now, have established the frequency and extent of that contamination. The site-investigation is by no means complete, because the requisite ecological surveys, the internal assessment of the buildings, their contents, and below-ground infrastructure, have not yet been done, on safety grounds. The RSK report, at last, acknowledges the numerous potential risks to existing and future residents, from contaminant-transmission by air, ground and water, and to the downstream catchment. There is prima facie evidence of demolition on-site, between September 2021 and October 2022 - in the absence of any agreed procedure, documentation or monitoring (in the public domain, at least); three of the poultry-sheds were shown on the air-photograph taken on the 24th of September</i></p>

2021, but are NOT shown on the edp plan dated the 21st of October 2022. The limited photographic evidence on-file also suggests that asbestos-cement material had previously been incorporated in the made ground in various on-site locations. The obvious potential risks to residents, surface-water, and the Galmington Stream demand urgent investigation. All this has only come to light through the submission of an Application for a bat-house! When will the public interest be served?"

Officer comment

Contamination advice has been sought from SWT Environmental Health. However, given the change to its location the bat house will now be located outside the former Industrial Estate.

8.3.3 There were no specific letters of support received.

9. Relevant planning policies and Guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 9.2 Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.
- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day
- 9.4 Relevant policies of the development plan in the assessment of this application are listed below.

Core Strategy 2012

SD1 - Presumption in favour of sustainable development

CP1 - Climate change

CP7 - Infrastructure

CP8 - Environment

SS7 - Comeytrowe / Trull - Broad Location for Growth
DM1 - General requirements
DM4 - Design

Site Allocations and Development Management Plan 2016

ENV1 - Protection of trees, woodland, orchards and hedgerows
D7 - Design quality
Site allocation policy TAU1 - Comeytrowe / Trull

Other relevant policy documents

Somerset West and Taunton Design Guide
Taunton: The Vision for our Garden Town and the Taunton Design Charter and Checklist
Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

Neighbourhood Plans

The Trull Neighbourhood Plan is part of the development plan and a material consideration. The Trull Neighbourhood Plan includes policies that are aligned with the adopted policies in the Taunton Core Strategy and Site Allocations and Development Management Plan (SADMP), and provide for sustainable development in the parish. No policies expressly cover wildlife/biodiversity.

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- 2. Achieving sustainable development
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

All policies and material considerations can only be considered as far as they relate to the details for which reserved matters approval is sought, as defined in the Development Management Procedure Order (DMPO) 2015.

10. Conclusion on Development Plan

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole.
- 10.2 This is a relatively minor application given the context and generally the development plan seeks to safeguard, preserve and enhance biodiversity.
- 10.3 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

11. Local Finance Considerations

Community Infrastructure Levy

The development is not CIL liable.

12. Material Planning Considerations

- 12.1 As an application for Reserved Matters the application fundamentally seeks approval of layout, scale, appearance and landscaping.
- 12.2 The rationale for the development is a material consideration and is part of a parallel process seeking a licence from Natural England to interfere with known bat roosts. A replacement roost is required to be constructed and be available for the bats to colonise (move to) before the redundant buildings that formed a now disused Industrial Estate which the bats currently roost in are demolished to make way for housing in the future.
- 12.3 The advice of the County Ecologist has been sought and the design and specification put forward by the applicant has been considered suitable to fulfil the desired purpose.
- 12.4 In addition, there are numerous other tree-mounted bat boxes to be installed across the wider site as enhancement, as detailed in the Strategic Landscape and Ecology Management Plan (LEMP) (ref. edp782_r042).
- 12.5 Concerns have been raised about the original plans showing the siting of the bat house on land at the former Industrial Estate. The former siting was at the very periphery of that site against the boundary hedge and therefore unlikely to be contaminated, however it was felt an alternative siting on the other side of the boundary hedge within a planned area of planting, that will have no public access, was felt a better place to locate this, and was agricultural land previously and so not used in association with the Industrial Estate. The new siting will help screen the building visually and allow the bats to utilise the building unhindered by the wider site activities.
- 12.6 It should be noted that the condition and hazards of the Industrial Estate have not put off bats establishing a roost in one of the buildings used for industrial purposes.

13. Planning Balance and Conclusion

- 13.1. The continued delivery of the Garden Community is welcomed to provide much needed housing including affordable housing and this application is required to maintain that momentum and deal with a very specific and important ecological facet of the site, namely the presence of bats.
- 13.2. There are no outstanding issues that cannot be conditioned in their own right as part of this consent or are already covered by outline conditions.

- 13.3. In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and informatives

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
(A1) DrNo PL-VI-51 Rev C Bat House - Vistry Site Location Plan
(A1) DrNo PL-VI-61 Rev D Bat House - Vistry Site Plan
(A3) DrNo edp782_d221b Figure E3: Specifications for Mitigation/ Compensation, received 16 March 2023 (dimensions annotated)
(A3) DrNo edp782_d165b Plan EDP4: Bird and Bat Mitigation Plan 1083-Comeytrowe-Bat Barn location with revised hedgerow sketch-2023.03.03, received 15 March 2023
Addendum Ecological Technical Note – Parcel H1f - Prepared by: The Environmental Dimension Partnership Ltd, 12 December 2022, Report Reference edp0782_r083b
Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to commencement of the development hereby approved the finished floor level of the structure shall be agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the agreed details.
Reason: In the interest of visual amenity to accord with Policy D7 of the Site Allocations and Development Management Plan 2016.

Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
3. Once the bat house is completed access to review the construction and/or photographs of the completed structure (inside and outside) would be appreciated by the Council's Ecologist to ensure the structure is fit for purpose.